

# City Council Agenda

Council President  
**Jerry Duncan**

Councilmembers

**Tom Boyajian  
Brian Calhoun  
Mike Dages**

**Henry T. Perea – Acting President  
Cynthia Sterling  
Larry Westerlund**

City Manager  
**Andrew T. Souza**

City Clerk  
**Rebecca E. Klisch, CMC**

City Attorney  
**Hilda Cantú Montoy**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

**JANUARY 24, 2006**

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on ([www.ci.fresno.ca.us](http://www.ci.fresno.ca.us)). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

## **8:30 A.M. ROLL CALL**

Invocation by Reverend Bruce E. McAlister from Saints Community Church of God in Christ

Pledge of Allegiance to the Flag

### **Ceremonial Presentations:**

Proclamation of "EDWARD L. STACY DAY" – Councilmembers Boyajian and Sterling

Proclamation of "ROBERT BURNS RECOGNITION DAY" - Councilmember Brian Calhoun

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of January 10, 2006

**Action Taken:**

Councilmember Reports and Comments

**Action Taken**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

- A. \* Approve a one-year agreement with Massage Concessionaire (The Rub Club) at Fresno Yosemite International Airport (FYI), with two (2) one-year options to extend – Airports Dept.  
**Action Taken:**
- B. Approve Commercial Aviation Operations Permit with Martinair Partners, LLP (Martinaire) at Fresno Yosemite International (FYI) – Airports Dept.  
**Action Taken:**
- C. \* Approve amendment to Fresno AAI Inc.'s Concession Agreement at Fresno Yosemite International Airport (FYI) to cover a new Starbucks outlet and closure of Rapido's Coffee Bar – Airports Dept.  
**Action Taken:**
- D. \* **RESOLUTION** – 18<sup>th</sup> amendment to PAR No. 2005-287 converting six (6) permanent part-time positions to five (5) full-time positions - Planning and Development Dept.  
**Action Taken:**
- E. \* **RESOLUTION** - Authorizing the purchase of a plug-in hybrid natural gas/electric drive system, installed in a City-owned refuse truck from Odyne Corporation without advertised competitive bidding – General Services Dept./Fleet Mgmt.  
**Action Taken:**
- F. Rejection of all bids for construction of infrastructure for a Traffic Signal Synchronization System Phase III – Public Works Dept.  
**Action Taken:**
- G. \* Approve a professional services agreement with Omni-Means, Ltd., to prepare a Caltrans Project Study Report (PSR) for a freeway interchange at Veterans Boulevard and State Route 99 – Public Works Dept.  
**Action Taken:**
- H. Approve reappointments of Sam Simonian and John Paul Youel to the Housing Authority Board – Mayor's Office  
**Action Taken:**

1. **GENERAL CONSENT CALENDAR CONTINUED**

- I. \* Approve an amendment to agreement with Boyle Engineering Corporation to provide professional engineering services for analysis and design of sound attenuation at the City's surface water treatment facility – Dept. of Public Utilities  
**Action Taken:**
- J. \* Award a construction contract for the sludge transfer station relocation at the Fresno/Clovis Regional Wastewater Reclamation Facility (RWRF) – Dept. of Public Utilities  
**Action Taken:**
- K. \* Authorize renewal of senior hot meals site management contract with Fresno-Madera Agency on Aging – PR&CS  
**Action Taken:**
- L. Consideration of proposed Clinton-Brawley No. 1 Reorganization for approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 4.1 acres from the North Central Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno – Planning and Development Dept.  
**Action Taken:**
1. Consider and adopt the environmental finding of a Mitigated Negative Declaration for Environmental Assessment No. A-04-35/R-04-110/C-04-340 dated May 4, 2005  
**Action Taken:**
  2. **RESOLUTION** – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Clinton-Brawley No. 1 Reorganization  
**Action Taken:**
- M. Consideration of proposed Clinton-Polk No. 1 Reorganization for approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 40.87 acres from the North Central Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno – Planning and Development Dept.  
**Action Taken:**
1. Consider and adopt the environmental finding for Environmental Assessment No. R-04-34/T-5300 dated September 17, 2004, that the project proposal conforms to the provisions of the Master Environmental Impact Report (MEIR) No. 10130 for the 2025 Fresno General Plan  
**Action Taken:**
  2. **RESOLUTION** – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Clinton-Polk No. 1 Reorganization  
**Action Taken:**
- N. **RESOLUTION** - Approving the Final Map of Tract No. 5455 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director and Planning and Development Director to execute the necessary documents – Planning and Development Dept.  
**Action Taken:**
- O. **RESOLUTION** – Approving the Final Map of Tract No. 5414 and accepting dedicated public uses therein; authorize the Public Works Director, Planning and Development Director and Public Utilities Director to execute the necessary documents – Planning and Development Dept.  
**Action Taken:**
1. \* **RESOLUTION** - 57<sup>th</sup> amendment to AAR No. 2005-286 appropriating \$46,100 for the purpose of funding right-of-way acquisition in UGM Tract 5414 (***Requires 5 affirmative votes***)

1. **GENERAL CONSENT CALENDAR CONTINUED**

- P. \* Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and Fresno Police Officers Association (FPOA - Unit 9), covering the period July 1, 2004, through June 30, 2007.

**Action Taken:**

1. \* **RESOLUTION** – 15th amendment to the Salary Resolution No. 2005-290 amending Exhibit 2, Section 2.1 - Police Management

**Action Taken:**

2. Approve an agreement between the City of Fresno and the Fresno Police Officers Association/Police Management regarding Success Plans

**Action Taken:**

3. Approve an agreement between the City of Fresno and the Fresno Police Officers Association/Non-Supervisory Police regarding Success Plans

**Action Taken:**

- Q. Submission for informational purposes of the Comprehensive Annual Financial Reports (CAFR) regarding the financial activities of the City of Fresno Retirement Systems for the Fiscal Year Ending June 30, 2005 – Retirement Office

**Action Taken:**

- R. Information report on the results of June 30, 2005, Annual Actuarial Valuations – Retirement Office

**Action Taken:**

- S. Receive informational report on the cost neutrality of the City's Deferred Retirement Option Program (DROP) – Retirement Office

**Action Taken:**

- T. **RESOLUTION** - Of intention to annex Tract No. 5316 as Annexation No. 2 to the City of Fresno Community Facilities District No. 11 and to authorize the levy of special taxes – Public Works Dept.

**Action Taken:**

- U. **BILL – (For introduction)** - Amending Section 2-1826 of the Fresno Municipal Code relating to the repayment period for the redeposit of contributions in the Employees Retirement System – Retirement Office

**Action Taken:**

- V. **BILL – (For introduction)** – Amending Section 9-802 of the Fresno Municipal Code relating to the definition of “blighted building” and Section 9-811(g) relating to administrative penalty for non-compliance with vacant building plan – Planning and Development Dept.

**Action Taken:**

W. **JOINT REDEVELOPMENT AGENCY GENERAL CONSENT**

1. **RESOLUTION** - Designating positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions (**Council and Agency action**) – City Clerk's Office

**Action Taken:**

**W. JOINT REDEVELOPMENT AGENCY GENERAL CONSENT CONTINUED**

2. Adoption of documents relating to Assembly Bill No. 1234 – City Attorney’s Office
  - a. **BILL – (For introduction)** – Amending Ordinance No. 2004-88 relating to the Criteria on the use of public resources and reimbursement of expenses for the Mayor and Councilmembers **(Council action)**  
**Action Taken:**
  - b. **RESOLUTION** – Establishing the criteria for reimbursement of expenses of the Board of Directors **(Agency action)**  
**Action Taken:**
  - c. **RESOLUTION** – Relating to compensation and reimbursement of expenses for members serving on City Boards, Commissions, and other legislative bodies **(Council action)**
3. **RESOLUTION -** Consenting to and calling for a joint public hearing on proposed amendments to the Redevelopment Plan for the Chinatown Expanded Redevelopment Project and the negative declaration prepared in connection with the proposed amendments **(Council and Agency action)**  
**Action Taken:**

**3. CITY COUNCIL**

- A. Discuss and consider funding for the Geo-Based Tree Trimming Program – Councilmember Westerlund  
**Action Taken:**
  1. \* **RESOLUTION** – 53rd amendment to AAR No. 2005-286 appropriating \$200,000 to restore and provide additional funding to further Public Works Dept. Geo-Based Tree Trimming Program for the current fiscal year **(Requires 5 affirmative votes)**  
**Action Taken:**
  2. \* **RESOLUTION -** 55<sup>th</sup> amendment to AAR No. 2005-286 appropriating \$148,400 to restore funding to further Public Works Department Geo-Based Tree Trimming Program for the current fiscal year **(Requires 5 affirmative votes)**  
**Action Taken:**
- B. \* Adopt a new standard and specification requiring all sidewalks be a minimum of six (6) feet wide for construction of new development on major streets – Councilmember Westerlund  
**Action Taken:**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 9:00 A.M.**
- A. **SCHEDULED COMMUNICATION –**
    1. Appearance by Louis M. Marquez to present an idea to Council on how to improve property at the corner of “U” and Tulare Streets
  - B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

9:15 A.M.

### **GENERAL ADMINISTRATION**

- A. \* Authorize the purchase of land (2.19 acres) and building of the Fresno County Economic Opportunities Commission (EOC) neighborhood youth center/gymnasium utilizing \$3.3 million of non-Quimby Park Impact Fees – PR&CS

**Action Taken:**

1. \* **RESOLUTION** – 59th amendment to AAR No. 2005-286 appropriating \$3.3 million in UGM Park Citywide Facility fees to fund the purchase of the Fresno County Economic Opportunities Commission (EOC) Neighborhood Youth Center/Gymnasium ***Requires 5 affirmative votes***

**Action Taken:**

- B. **BILL - (For Introduction)** – Amending Subsection (25) to Section 8-401 of the Fresno Municipal Code, relating to prohibiting smoking in parks – PR&CS

**Action Taken:**

- C. \* Consideration of Interim Agreement with Caltrans for the identification of measures to mitigate impacts to the State Highway System resulting from City approved projects – City Manager's Office

**Action Taken:**

10:00 AM#1

**CONTINUED HEARING** to consider Community Facilities District No. 2, Annexation No. 106, Tract No. 5285 – Public Works Dept.

**Action Taken:**

- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax  
**Action Taken:**
- b. **RESOLUTION** - Calling special mailed-ballot election  
**Action Taken:**
- c. **RESOLUTION** - Declaring election results  
**Action Taken:**
- d. \* **BILL** - Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 106, Tract No. 5285  
**Action Taken:**

10:00 A.M.#2

**CONTINUED HEARING** to consider Community Facilities District No. 2, Annexation No. 109, Tract No. 5343 – Public Works Dept.

**Action Taken:**

- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax  
**Action Taken:**
- b. **RESOLUTION** - Calling special mailed-ballot election  
**Action Taken:**
- c. **RESOLUTION** - Declaring election results  
**Action Taken:**
- d. \* **BILL** - Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 109, Tract No. 5343  
**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**10:00 A.M.#3 CONTINUED HEARING** to consider Community Facilities District No. 2, Annexation No. 104, Tract No. 5171 – Public Works Dept.

**Action Taken:**

a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax

**Action Taken:**

b. **RESOLUTION** - Calling special mailed-ballot election

**Action Taken:**

c. **RESOLUTION** - Declaring election results

**Action Taken:**

d. \* **BILL** - Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 104, Tract No. 5171

**Action Taken:**

**10:15 A.M. HEARING** to consider Rezone Application No. R-05-66 and environmental findings, filed by Gary and Carol Ohanesian, pertaining to approximately 0.17 acre of property located on the southeast corner of E. Ashlan Avenue and N. Effie Street (***Property located in District 7***) – Planning and Development Dept.

**Action Taken:**

a. Consider and adopt Environmental Assessment No. R-05-66, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

**Action Taken:**

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the C-6/cz (*Heavy Commercial/conditions of zoning*) zone district to the C-6/cz (*Heavy Commercial/conditions of zoning*) zone district

**Action Taken:**

**10:20 A.M. HEARING** to consider Rezone Application No. R-04-92 and environmental findings, filed by Cambridge Homes, pertaining to approximately 85 (net) acres of property located on the north side of E. Shields Avenue between N. Armstrong and N. Temperance Avenues (***Property located in District 4***) – Planning and Development Dept.

**Action Taken:**

a. Consider and adopt Environmental Assessment No. R-04-92/T-5427, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

**Action Taken:**

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A/UGM (*Single Family Residential Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district

**Action Taken:**

**10:45 A.M.** Council approval to participate in San Joaquin River Parkway Branding and Cooperative Marketing Program - Councilmember Calhoun

**Action Taken:**

**2:00 P.M. #1** **CONTESTED CONSENT CALENDAR**

**2:00 P.M. #2** **CLOSED SESSION**

**A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Medical Advocates for Healthy Air, et al. v. City of Fresno, et al. (Fancher Creek Properties, et al., Real Parties in Interest)

**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

### **2:00 P.M. #3** **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

**2:45 P.M.** Consideration of report relating to regulation of dangerous dogs and direction to staff –

**Action Taken:**

- 1.. Appearance by David Bordonaro to discuss dog attacks and the leash law

**3:15 P.M.** Establish a community committee to recommend a revision to the existing Human Relations Commission – Council President Duncan

**Action Taken:**

**3:45 P.M.** **CONTINUED HEARING** to consider Plan Amendment Application No. A-04-01, Rezone Application No. R-04-03, and environmental findings by State Center Community College District and Clovis Unified School District, pertaining to approximately 214 acres of property located north and south of the E. International Avenue alignment between N. Willow and N. Chestnut Avenues. The project also includes the detachment of the subject property from the Kings River Conservation District and the Fresno County Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency **(Property located in District 6)** – Planning and Development Dept.

**Action Taken:**

- a. **RESOLUTION** – Adopting findings regarding State Center Community College District EIR (State Clearinghouse No. 2000111026) and Clovis Unified School District EIR (State Clearinghouse No. 1999081017) as a responsible Agency pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15096 for adoption of Plan Amendment Application No. A-04-01 and Rezone Application No. R-04-03

**Action Taken:**

- b. **RESOLUTION** - Amending the 2025 Fresno General Plan and Woodward Park Community Plan for approximately 112 acres of the 214 acres of property located south of E. International Avenue alignment between N. Willow and N. Chestnut Avenues from the medium-low density residential planned land use designation to the public facilities/college planned land use designation

**Action Taken:**

- c. **BILL** – Amending the Official Zone Map to rezone the entire 214 acres of the subject property from the AL-20 (*Limited Twenty Acre Agricultural, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district

**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

<b>Jan.</b>	<b>31 -</b>	<b>8:30 A.M.</b>	Presentation of the P.R.I.D.E. Team Certificates (Reception immediately following – 2 <sup>nd</sup> floor foyer)
<b>Jan.</b>	<b>31 -</b>	<b>10:15 A.M.</b>	<b>HEARING</b> re: Rezone Application No. R-05-75
<b>Jan.</b>	<b>31 -</b>	<b>10:20 A.M.</b>	<b>HEARING</b> re: Rezone Application No. R-05-49
<b>Jan.</b>	<b>31 -</b>	<b>10:30 A.M.</b>	<b>HEARING</b> re: Plan Amendment Application No. A-04-37, Rezone Appl. No. R-04-112, and CUP Application No. C-04-341, filed by Sol Development Associates on behalf of Derrel's Mini Storage
<b>Jan.</b>	<b>31 -</b>	<b>2:30P.M.</b>	<b>HEARING</b> re: Plan Amendment Application No. A-05-02, Rezone Application No. R-05-26, filed by David Paynter <b>(Continued to 5:00 P.M. this date)</b>
<b>Jan.</b>	<b>31 -</b>	<b>3:00 P.M.</b>	Bird Flu/Pandemic issue – Fire Dept.
<b>Jan.</b>	<b>31 -</b>	<b>5:00 P.M.</b>	<b>CONTINUED HEARING</b> re: Plan Amendment Application No. A-05-02, Rezone Application No. R-05-26, filed by David Paynter
<b>Feb.</b>	<b>14 -</b>	<b>10:00 A.M.</b>	<b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 111, Tract No. 5356

January 24, 2006

**\*SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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**AND MAY BE AMENDED AT ANYTIME**



**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

<b>Feb.</b>	<b>21 -</b>	<b>NO MEETING – PRESIDENT’S DAY</b>	
<b>Feb.</b>	<b>28 -</b>	<b>11:00 A.M.</b>	Contested Consent Calendar
<b>Feb.</b>	<b>28 -</b>	<b>2:30 P.M.</b>	Presentation to discuss and accept the Mayor’s Creative Economic Council Report – Mayor Autry and Acting President Perea
<b>----</b>	<b>-----</b>	<b>-----</b>	
<b>Feb.</b>	<b>28 -</b>	<b>5:30 P.M.</b>	<b>CONTINUED HEARING</b> – Adopt a resolution designating Building 8, the Former Retail Shed of the Sugar Pine Lumber Company (Pinedale Assembly Center Site, Camp Pinedale) 7435 N. Ingram Avenue to the Local Register of Historic Resources
<b>Mar.</b>	<b>7 -</b>	<b>10:00 A.M.</b>	Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling
<b>Mar.</b>	<b>14 -</b>	<b>10:00 A.M.</b>	<b>HEARING</b> re: the vacation of a portion of Browning Avenue east of Brawley Avenue. – Resolution of Intention No. 1049-D
<b>Mar.</b>	<b>14 -</b>	<b>4:00 P.M.</b>	<b>JOINT RDA HEARING</b> on proposed amendments to the Redevelopment Plan for the Chinatown Expanded Redevelopment Project and the negative declaration prepared in connection with the proposed amendments
<b>Mar.</b>	<b>21 -</b>	<b>NO MEETING – COUNCIL BREAK</b>	
<b>Apr.</b>	<b>11 -</b>	<b>NO MEETING – EASTER BREAK</b>	
<b>Apr.</b>	<b>18 -</b>	<b>8:30 A.M.</b>	Presentation of the P.R.I.D.E. Team Certificates (Reception immediately following – 2 <sup>nd</sup> floor foyer)
<b>May</b>	<b>2 -</b>	<b>3:00 P.M.</b>	Presentation of Employee Service Awards Certificates (Reception immediately following – 2 <sup>nd</sup> floor foyer)

**(Future workshops – dates to be determined)****WORKSHOP** – Follow-up discussion regarding Caltrans discussion held 12/7/2004